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December 11, 2003

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VIA HAND DELIVERY

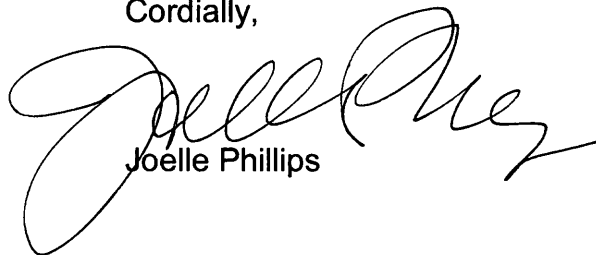
Hon. Deborah Taylor Tate, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *Tariff to Establish Welcoming Rewards Promotion*
Docket No. 03-00625

Dear Chairman Tate:

Enclosed are the original and fourteen copies of BellSouth's *Response to Complaint and Petition to Intervene* filed by the Consumer Advocate Division. Copies of the enclosed are being provided to the Consumer Advocate Division.

Cordially,



Joelle Phillips

JJP:ch

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re: *Tariff to Establish Welcoming Rewards Promotion*

Docket No. 03-00625

BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSE TO
COMPLAINT AND PETITION TO INTERVENE FILED BY
THE CONSUMER ADVOCATE DIVISION

BellSouth Telecommunications, Inc. ("BellSouth") files this response to the *Complaint and Petition to Intervene* ("Petition") filed by the Consumer Advocate Division of the Office of the Attorney General ("Consumer Advocate") in this docket.

Nowhere in its *Petition* does the Consumer Advocate state that an earlier identical version of this exact promotion was approved by the TRA after the opportunity for argument regarding all of the exact same reasons articulated by the Consumer Advocate in this *Petition* for convening a contested case. In short, the Authority's own precedent answers the so-called issues raised by the Consumer Advocate regarding resale and discrimination. The *Welcoming Reward Tariff*, in precisely the same format, has already been approved by the Authority before.

The Authority need not convene a contested case to hear precisely the same issues that were raised, briefed, and argued by the parties – and subsequently rejected by the TRA in the identical situation earlier this year. Such use of the TRA's resources would be unreasonable. As the Tennessee Court of Appeals has held, the TRA is well within its discretion when it declines to convene a proceeding when the "issues raised

by the Consumer Advocate ha[ve] been addressed by the Authority in prior decisions.”
Consumer Advocate Division v. TRA, 2001 Tenn.App. LEXIS 387, *18. In this case, not only have the issues raised been decided previously by the Authority, the Authority decided those issues in relation to ***precisely the same promotional tariff as is currently proposed by BellSouth***. In short, the Consumer Advocate, without once referencing the prior decision, seeks in its *Petition* to have the Authority reverse the decision in the first *Welcoming Reward* docket, contrary to the legal position the Authority has advanced in response to the Consumer Advocate’s as-yet-undecided appeal of that earlier decision.

For the reasons articulated above, BellSouth respectfully urges the TRA to approve the tariff and reject the *Complaint and Petition to Convene a Contested Case*.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

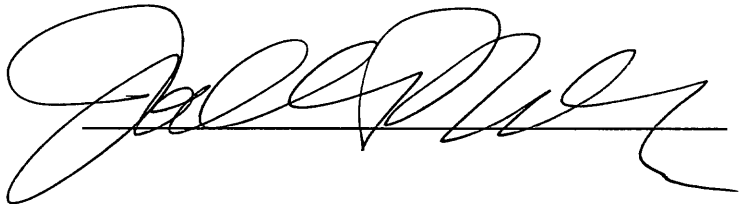
By: 
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CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2003, a copy of the foregoing document was served on the following, via the method indicated:

- ☐ Hand
- ☐ Mail
- ☐ Facsimile
- ☐ Overnight
- ☒ Electronic

Joe Shirley, Esquire
Office of Tennessee Attorney General
P. O. Box 20207
Nashville, Tennessee 37202

A handwritten signature in black ink, appearing to read "Joe Shirley", is written over a horizontal line.